

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

2006 JAN -6 AM 10:03

AUGUSTA DIVISION

CLERK *L. Feathers*
SO. DIST. OF GA.

JAMES EDWARD JENKINS,

Plaintiff,

v.

WILLIAM M. FLEMING, JR.,

Defendant.

CV 105-136

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed.¹ Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff's complaint is **DISMISSED**, this civil action is **CLOSED**, and a final judgment is **ENTERED** in favor of Defendant.

SO ORDERED this 6th day of January, 2006, at Augusta, Georgia.

[Signature]
UNITED STATES DISTRICT JUDGE

¹ Plaintiff has filed a motion to withdraw his complaint. Doc. 11. Because the Court adopts the Magistrate Judge's Recommendation that the complaint be dismissed, and because Plaintiff previously was advised of the costs and potential consequences of pursuing a Section 1983 claim and still elected to proceed with his claim, Docs. 3, 5-6, Plaintiff's motion to withdraw, Doc. 11, is **DENIED** as moot.